

PREPARED DIRECT TESTIMONY OF  
TERRY N. TATE  
ON BEHALF OF  
CENTRAL ILLINOIS LIGHT COMPANY  
DOCKET NO. 00-0699

CILCO 00-0699 1.0

1 Q1: Please state your name and business address.

2 A1: Terry N. Tate, 300 Liberty Street, Peoria, Illinois 61602

3-7-01

tgb

3 Q2: By whom are you employed and in what capacity?

4 A2: I am employed by Central Illinois Light Company (CILCO) as its System Line Clearance  
5 Administrator. In that position, I have responsibility for the management of vegetation as  
6 it affects CILCO's transmission and distribution lines throughout the Company's service  
7 area.

8 Q3: Please describe your educational background and work experience.

9 A3: I graduated from Southern Illinois University in 1973 with a Bachelor of Science Degree  
10 in Forestry. In 1990, I became and still am a Certified Arborist through the Illinois  
11 Arborist Association, the State chapter of the International Society of Arboriculture. To  
12 obtain this certification, it is necessary to have a minimum number of years of experience  
13 in arboriculture and pass a written examination. To retain the certification, I am required  
14 to earn continuing education credits in Arboriculture. I joined CILCO in 1979 and have  
15 worked in the Line Clearance area within the Electric Operations Department since that  
16 time. I did vegetation management work in the field for the first eight years after I joined  
17 CILCO, and was promoted to Forestry Field Supervisor in the Peoria District in 1988.  
18 My responsibilities at that time included vegetation management for the distribution  
19 system in the Peoria District, plus the transmission system Company-wide. I was

20 promoted to my present position in 1992.

21 Q4: What is the purpose of your prepared direct testimony in this proceeding?

22 A4: On November 1, 2000, the Commission entered an order requiring CILCO to take certain  
 23 actions with respect to vegetation management within the Company's service territory.  
 24 CILCO filed an application for rehearing and that application was granted. It is my  
 25 understanding that the Hearing Examiner has asked CILCO to address the matters  
 26 covered in the Commission's Order with which CILCO disagrees. I will respond to the  
 27 Hearing Examiner's request by describing generally some of the areas of disagreement. I  
 28 will also indicate the areas on which I believe Staff and CILCO can reach agreement for  
 29 the entry of a revised order.

30 Q5: Please briefly describe the points in the Order with which CILCO disagrees?

31 A5: The Company disagrees with the general tenor of the Order, which attempts to describe  
 32 CILCO as a total non-performer with respect to tree trimming, and with no redeeming  
 33 virtues. During 1998, CILCO's service area experienced one of the worst storms ever,  
 34 resulting in widespread damage to trees with resulting downed power lines. Although  
 35 CILCO used heroic efforts, including the use of many crews from other utilities, the  
 36 damage was so enormous and widespread and so many customers had been left without  
 37 power, that it took many days to completely restore power to all customers. While the  
 38 Commission's rules refer to tree-caused damage as controllable interruptions, it is not  
 39 reasonable to classify the outages during an unusually fierce storm as controllable  
 40 interruptions. Nor is it reasonable to consider the statistics from a year in which such a  
 41 huge storm occurred as an appropriate indicator of CILCO's outage rate in relation to that  
 42 of other utilities which did not experience such a huge storm.

43 The Order states that Staff toured CILCO's system in the Springfield area. Because City  
44 Water Light & Power primarily serves the City of Springfield, it is difficult to distinguish  
45 between CILCO's distribution lines and those of City Water Light & Power. It is not  
46 possible to tell from the photographs included in the Staff report whether the lines  
47 pictured are CILCO's or someone else's. The Order also states that Staff did not see any  
48 tree trimming activity in the areas visited. However, I know from CILCO's records that  
49 during the time period covered by Staff's report, CILCO had three crews working in  
50 Springfield, two in Lincoln, one in Homer, and fourteen in the greater Peoria area.  
51 Because Staff did not see these crews, it does not mean that there was no tree trimming  
52 activity in progress.

53 The Order points to CILCO's change from a three-year to a four-year trim cycle, and  
54 states that CILCO provided no reason for this change. Yet the Order supports a four-year  
55 trim cycle.

56 Q6: With respect to the ordering provisions, does CILCO have any disagreements with the  
57 findings and ordering provisions?

58 A6: Yes. Paragraph 7 of the Findings is the principal part of the Order. In subparagraph A of  
59 paragraph 7, the Order finds that CILCO should trim trees in accordance with the  
60 provisions of 83 Ill. Adm. Code 305, but adds requirements to consider the rights of  
61 property owners, previous pruning history, tree health, tree aesthetics and efficient work  
62 production. These provisions are vague and difficult to implement in a practical working  
63 environment. Moreover, it is my understanding that if a property owner or a municipality  
64 or other governmental unit believes CILCO has failed to consider properly the property  
65 owner's rights or tree health or aesthetics, CILCO could be exposed to a complaint

proceeding or even a lawsuit seeking damages and attorneys' fees.

Q7: In your opinion, how should the finding read?

A7: A more workable finding would be the following:

Begin immediately to trim trees and otherwise manage vegetation as required by 83 Ill. Adm. Code 305 to provide maximum practical vegetation-to-conductor clearance, utilizing line clearance practices that are arboriculturally sound and recognized as a utility industry standard by professional organizations such as the International Society of Arboriculture and the National Arborist Association.

Subparagraph C of Finding 7 states that CILCO must maintain a four-year trimming cycle for the indefinite future. CILCO has already agreed to achieve a four-year cycle by December 31, 2002, and to attempt to maintain a four-year cycle after that, but there could be reasons for not doing that in the future. Subparagraph C should contain a provision that CILCO should use reasonable efforts to maintain a four-year cycle thereafter.

Subparagraph D imposes significant record keeping and reporting burdens upon the Company. We plan to have thirty crews working in the field during the next two years, and the paperwork will be overwhelming. In discussions with Mr. Buxton, I was advised that these records are required to be maintained internally only, and kept available for Staff inspection. The Order should specify this. In addition, the record-keeping requirement, at least the part relating to disputes with property owners, should be limited to the same two-year period as Subparagraph F.

Subparagraph E requires CILCO to inspect 10% of the tree trimming work performed by contract crews within 60 days after the work is completed. This provision should be

89 clarified to provide that 10% of the line miles should be inspected. It would not be  
 90 reasonable to attempt to do an inspection based upon the number of trees actually  
 91 trimmed. This provision should also terminate on December 31, 2002.

92 Q8: Are there other issues related to the order that CILCO finds troublesome?

93 A8: Yes, I have been advised by legal counsel that there are certain legal issues that may be  
 94 addressed in briefs, but I am hopeful the parties can come to some mutual agreement and  
 95 briefs will not be required.

96 Q9: Is CILCO willing to stipulate to an entry of an order that meets the requirements you  
 97 have outlined above?

98 A9: Yes.

99 Q10: Can you provide the language that CILCO would find acceptable in such a stipulation?

100 A10: Yes. CILCO believes a reasonable stipulation that meets the primary goal of CILCO  
 101 being on a four year tree trimming cycle by December 2002 would be as follows:

- 102 1. Begin immediately to trim trees and otherwise manage vegetation as required  
 103 by 83 Ill. Adm. Code 305 to provide maximum practical vegetation-to-conductor  
 104 clearance. This will be done utilizing line clearance practices that are arboriculturally  
 105 sound and recognized as a utility industry standard by professional organizations such  
 106 as the International Society of Arboriculture and the National Arborist Association.
- 107 2. Continue the accelerated Line Clearance program started by the Company in  
 108 2001, securing additional contracted workforce to raise crew levels to achieve a four-  
 109 year tree trimming cycle by December 31, 2002.
- 110 3. After achieving a four-year tree trimming cycle, use all reasonable effort to  
 111 continue trimming trees on a cycle of no longer than four years.
- 112 4. Keep accurate records of its Line Clearance program, which will be available  
 113 to the Commission Staff upon request. The records will be maintained in accordance  
 114 with the following:
  - 115 a. Organize tree trimming records by circuit name;
  - 116 b. Include records of beginning and ending work dates for two cycles;
  - 117 c. Include records describing the kind of work, i.e., circuit trimming and hot spot

- 118 trimming for two cycles;  
 119 d. Include records of disputes with property owners who oppose CILCO's right  
 120 to trim for the two years ending December 31, 2002.
- 121 5. Conduct an inspection of ten percent of the line miles on assigned circuits  
 122 within sixty days after the circuit is completed, through December 31, 2002.
- 123 6. File quarterly reports, signed by a CILCO corporate officer, with the  
 124 Commission's Chief Clerk with copies to the Energy Division Staff, in accordance  
 125 with the following:
- 126 a. File the first quarterly report by March 1, 2001. Explain the  
 127 percentage and number of distribution circuits trimmed since January 1, 1999  
 128 through December 31, 2000. Provide proposed quarterly schedules and budgets  
 129 to trim the remainder of the distribution circuits by December 31, 2002  
 130 recognizing that schedules are subject to change based on changes in the  
 131 vegetative conditions of the system and tree related outage information during  
 132 said time frame. Include both incremental and cumulative schedules and  
 133 budgets. File subsequent quarterly reports that explain CILCO's progress toward  
 134 completing tree trimming on the remaining circuits. Divide each calendar year  
 135 into four quarters. File each quarterly report within 30 days after the end the  
 136 quarter. Compare the number of completed and in progress distribution circuits  
 137 and the expenses during the quarter to the proposed work schedules and budgets  
 138 from the first quarterly report. Include cumulative comparisons. Show all  
 139 schedule and budget changes made during the quarter. Include the results of all  
 140 inspections of completed distribution circuits.
- 141 b. Stop filing quarterly reports after reporting the achievement of a four-  
 142 year tree trimming cycle. State in the last quarterly report that CILCO will file  
 143 no more quarterly reports. Confirm that CILCO has a record keeping system in  
 144 place that satisfies the Commission's order.

145 Q11: Does this complete your prepared direct testimony?

146 A11: Yes, it does.

# Defrees & Fiske

Law Offices

W. Michael Seidel

200 South Michigan Avenue, Suite 1100  
Chicago, Illinois 60604-2480

Founded 1884

Donald Defrees, 1915-1968  
Kenneth M. Fiske, 1928-1978

Telephone (312) 372-4000  
Facsimile (312) 939-5617

January 23, 2001

4230 0049(R)

Ms. Donna M. Caton  
Chief Clerk  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701

Re: Ill.C.C. Doc. 00-0699

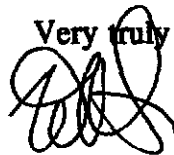
Dear Ms. Caton:

On behalf of Central Illinois Light Company, I have enclosed for filing in the above-referenced docket an original and three copies of a Report of Direct Testimony of Terry N. Tate in connection with the above-referenced docket.

I would appreciate it if you would acknowledge receipt and filing of the enclosures by stamping and returning one copy of this letter.

A copy of the Direct Testimony has been mailed to all persons on the attached Service List, and also has been e-mailed to all parties.

Very truly yours,



W. Michael Seidel

WMS:ccm

Enclosures

cc: Service List (w/encl.)

Bcc: Nicholas T. Shea (w/encl.)

**SERVICE LIST**  
**DOCKET NO. 00-0699**

**Examiner John Albers**  
**Illinois Commerce Commission**  
**527 East Capitol Avenue**  
**Springfield, IL 62701**

**Joseph T. Clennon**  
**Office of General Counsel**  
**Illinois Commerce Commission**  
**527 East Capitol Avenue**  
**Springfield, IL 62701**

**Janis E. Von Qualen**  
**Illinois Commerce Commission**  
**527 East Capitol Avenue**  
**Springfield, IL 62701**

**Jim Spencer**  
**Illinois Commerce Commission**  
**527 East Capitol Avenue**  
**Springfield, IL 62701**

**Carrie J. Hightman, Esquire**  
**Schiff, Hardin & Waite**  
**6600 Sears Tower**  
**Chicago, IL 60606-4673**

**Randy Clemens**  
**Illinois Power Company**  
**500 South 27<sup>th</sup> Street**  
**Decatur, IL 62525**